

REMARKS/ARGUMENTS

Prior to entry of this Amendment, the application included claims 1-7, 9-22, 24-26 and 30-42. Claims 7, 17, 34 and 38 have been amended. Claims 1-6, 21, 22, 24-26, 30-33, 41 and 42 have been canceled. No claims have been added. Hence, after entry of this Amendment, claims 7, 9-20 and 34-40 stand pending for examination.

Applicant's Counsel appreciates Examiner Carter's time and insights during the interview on December 10, 2007. The claims presented in this Amendment are largely the same as those proposed during the interview. Claim 7 has been amended further, however, as per our conversation.

Rejections Under 35 U.S.C. § 112

Claims 2, 3 and 30-33 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

These claims have been canceled without acquiescence to the Examiner's rejection under § 112. This rejection is now moot.

Rejections Under 35 U.S.C. § 103

Claims 1-7, 9-22, 24-26 and 30-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,047,083 to Mizuno ("Mizuno").

The claims produce a differential image from a captured image and a reference image. This differential image may then be used to identify defects or to group defect candidates. The claims are distinguishable from Mizuno because the reference does not teach or suggest producing or using differential images for any purpose, let alone to identify defects or to group defect candidates.

Conclusion

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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/Jason A. Sanders/

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